

2013 DRAFTING REQUEST**Bill**

Received: **4/3/2013** Received By: **agary**
 Wanted: **As time permits** Same as LRB: **-3907**
 For: **JoCasta Zamarripa (608) 267-7669** By/Representing: **Andy**
 May Contact: Drafter: **agary**
 Subject: **Transportation - driver licenses** Addl. Drafters:
 Extra Copies: **EVM**

Submit via email: **YES**
 Requester's email: **Rep.Zamarripa@legis.wisconsin.gov**
 Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Legal presence requirement of non-REAL ID compliant operator licenses and identification cards

Instructions:

Wants to remove requirement of legal presence for non-REAL ID compliant operator licenses and identification cards

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 4/11/2013	jdye 4/11/2013					
/P1	agary 1/2/2014	jdye 4/11/2013	jmurphy 4/12/2013		sbasford 4/12/2013		State
/1		kfollett	rschlue		sbasford	mbarman	State

Vers. Drafted

Reviewed
1/2/2014

Typed
1/2/2014

Proofed

Submitted
1/2/2014

Jacketed
1/28/2014

Required

FE Sent For:

02-05-2014
("1") <END>

Requested
by Andy

2013 DRAFTING REQUEST

Bill

Received: 4/3/2013 Received By: agary
Wanted: As time permits Same as LRB:
For: JoCasta Zamarripa (608) 267-7669 By/Representing: Andy
May Contact: Drafter: agary
Subject: Transportation - driver licenses Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Rep.Zamarripa@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Legal presence requirement of non-REAL ID compliant operator licenses and identification cards

Instructions:

Wants to remove requirement of legal presence for non-REAL ID compliant operator licenses and identification cards

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 4/11/2013	jdye 4/11/2013					
/P1	agary 1/2/2014	jdye 4/11/2013	jmurphy 4/12/2013		sbasford 4/12/2013		State
/1		kfollett	rschluet		sbasford		State

Vers. DraftedReviewed
1/2/2014Typed
1/2/2014Proofed
_____Submitted
1/2/2014JacketedRequired

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 4/3/2013 Received By: agary
 Wanted: As time permits Same as LRB:
 For: JoCasta Zamarripa (608) 267-7669 By/Representing: Andy
 May Contact: Drafter: agary
 Subject: Transportation - driver licenses Addl. Drafters:
 Extra Copies: EVM

Submit via email: YES
 Requester's email: Rep.Zamarripa@legis.wisconsin.gov
 Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Legal presence requirement of non-REAL ID compliant operator licenses and identification cards

Instructions:

Wants to remove requirement of legal presence for non-REAL ID compliant operator licenses and identification cards

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	agary 4/11/2013	jdyer 4/11/2013					
/P1		jdyer 4/11/2013	jmurphy 4/12/2013		sbasford 4/12/2013		State
FE Sent For:							

1/15f
1/2
12/14
<END>

2013 DRAFTING REQUEST

Bill

Received: 4/3/2013 Received By: agary
 Wanted: As time permits Same as LRB:
 For: JoCasta Zamarripa (608) 267-7669 By/Representing: Andy
 May Contact: Drafter: agary
 Subject: Transportation - driver licenses Addl. Drafters:
 Extra Copies: EVM

Submit via email: YES
 Requester's email: Rep.Zamarripa@legis.wisconsin.gov
 Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Legal presence requirement of non-REAL ID compliant operator licenses and identification cards

Instructions:

Wants to remove requirement of legal presence for non-REAL ID compliant operator licenses and identification cards

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
1/?	agary	PI 4/11	Jim 4/11	Jim + JB 4/12			

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE

SOON



LRB-2069 P1

ARG:

(JL) RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

✓

Gen

1 AN ACT ...; relating to: issuance of motor vehicle operator's licenses and
2 identification cards by the Department of Transportation. ✓

(REAL ID)

Analysis by the Legislative Reference Bureau ✓

* Under 2007 Wisconsin Act 20, certain provisions specified in the federal REAL ID Act of 2005 were incorporated into state law and these provisions became effective on January 1, 2013. Among these provisions was the requirement that the Department of Transportation (DOT) follow certain procedures in processing applications for driver's licenses and identification cards. However, under 2011 Wisconsin Acts 23 and 32, DOT may process applications for driver's licenses and identification cards in a manner other than that required by REAL ID if the driver's licenses and identification cards are marked to indicate that they are not REAL ID compliant and DOT processes the applications in compliance with DOT practices and procedures applicable immediately prior to implementation of REAL ID. ✓

Under current law, an applicant for a driver's license or identification card, regardless of whether it is REAL ID compliant or REAL ID noncompliant, must provide to DOT: ✓ 1) an identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth; 2) documentation showing the applicant's date of birth, which may be the same as item 1; 3) proof of the applicant's social security number or verification that the applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) documentary proof that the applicant is a U.S. citizen ✓ or is otherwise lawfully present in the United States. ✓ However, in processing an application for a REAL ID noncompliant driver's license

*

3 above

or identification card, DOT is not required to meet the standards for document retention and verification that are imposed for REAL ID compliant products.

Under this bill, an applicant for a REAL ID noncompliant driver's license or identification card is not required to provide documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. If the applicant does not have a social security number, the applicant is required to provide verification only that he or she does not have one, rather than verification that he or she is not eligible for one. In processing an application for, and issuing or renewing, a REAL ID noncompliant driver's license or identification card, DOT may not include any question or require any proof or documentation as to whether the applicant is a U.S. citizen or is otherwise lawfully present in the United States.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 343.03 (3m) of the statutes is amended to read:

343.03 (3m) NONCITIZEN TEMPORARY LICENSE. If the issuance of any license described under sub. (3) requires the license applicant to present any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the license shall display on the front side of the license, in addition to any legend or label described in sub. (3), a legend identifying the license as temporary. This noncitizen temporary license may not be renewed except as provided in s. 343.165 (4) (c).

History: 1989 a. 105; 1991 a. 12, 32, 39; 1995 a. 113; 2003 a. 33; ~~2007 a. 20;~~ 2009 a. 28, 103; 2011 a. 23, 32.

SECTION 2. 343.14 (2) (br) of the statutes is renumbered 343.14 (2) (br) 1. and amended to read:

343.14 (2) (br) 1. If Except as provided in subd. 2., if the applicant does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number and is not eligible for a social security number. The statement shall provide the basis or reason that the applicant is not eligible for a social security number, as well as any information requested by the department that may be needed by the department for purposes of

1 verification under s. 343.165 (1) (c). The form of the statement shall be prescribed
2 by the department, with the assistance of the department of children and families.
3 A license that is issued or renewed under s. 343.17 in reliance on a statement
4 submitted under this ~~paragraph~~ subdivision is invalid if the statement is false.

History: 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 124, 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1985 a. 227; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 105, 294, 298, 359; 1991 a. 269; 1993 a. 363; 1995 a. 113; 1997 a. 27, 119, 191; 1999 a. 9, 80, 88; 2001 a. 93; 2003 a. 33; 2005 a. 25, 59, 126; 2007 a. 20 ss. 3242 to 3254, 9121 (6) (a); 2009 a. 180; 2011 a. 23, 32.

5 **SECTION 3.** 343.14 (2) (br) 2. of the statutes is created to read:

6 343.14 (2) (br) 2. If the applicant does not have a social security number and
7 the application is for an operator's license that contains the marking specified in s.
8 343.03 (3r) or an identification card that contains the marking specified in s. 343.50
9 (3) (b), a statement made or subscribed under oath or affirmation that the applicant
10 does not have a social security number. The form of the statement shall be prescribed
11 by the department, with the assistance of the department of children and families.
12 A license that is issued or renewed under s. 343.17 in reliance on a statement
13 submitted under this subdivision is invalid if the statement is false.

History: 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 124, 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1985 a. 227; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 105, 294, 298, 359; 1991 a. 269; 1993 a. 363; 1995 a. 113; 1997 a. 27, 119, 191; 1999 a. 9, 80, 88; 2001 a. 93; 2003 a. 33; 2005 a. 25, 59, 126; 2007 a. 20 ss. 3242 to 3254, 9121 (6) (a); 2009 a. 180; 2011 a. 23, 32.

14 **SECTION 4.** 343.14 (2) (es) of the statutes is renumbered 343.14 (2) (es) 1m. and

15 343.14 (2) (es) 1m. (intro.), as renumbered, is amended to read:

16 343.14 (2) (es) 1m. (Intro.) Subject to sub. (2g) (a) 2. d. and s. 343.125 (2) (a) and (b),
17 and except as provided in subd. 2m., valid documentary proof that the individual is
18 a citizen or national of the United States or an alien lawfully admitted for permanent
19 or temporary residence in the United States or has any of the following:

History: 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 124, 360, 447; 1979 c. 306; 1981 c. 20 s. 1848r; 1985 a. 227; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 105, 294, 298, 359; 1991 a. 269; 1993 a. 363; 1995 a. 113; 1997 a. 27, 119, 191; 1999 a. 9, 80, 88; 2001 a. 93; 2003 a. 33; 2005 a. 25, 59, 126; 2007 a. 20 ss. 3242 to 3254, 9121 (6) (a); 2009 a. 180; 2011 a. 23, 32.

20 **SECTION 5.** 343.14 (2) (es) 2m. of the statutes is created to read:

21 343.14 (2) (es) 2m. Valid documentary proof under subd. 1m. is not required if
22 the application is for an operator's license that contains the marking specified in s.

1 343.03 (3r)✓ or an identification card that contains the marking specified in s. 343.50
2 (3) (b).✓

3 **SECTION 6.** 343.165 (1) (c) of the statutes is amended to read:

4 343.165 (1) (c) Proof of the applicant's social security number or, except as
5 provided in sub. (7) (c) 2.✓ and s. 343.14 (2g) (a) 4., verification that the applicant is
6 not eligible for a social security number.

History: 2007 a. 20; 2011 a. 23, 32; s. 35.17 correction in (1) (b) (intro.).

7 **SECTION 7.** 343.165 (1) (e) of the statutes is amended to read:

8 343.165 (1) (e) Subject to ss. 343.125 (2) (a) and (b) and 343.14 (2g) (a) 2. d., and
9 except as provided in sub. (7) (c) 1.✓ and s. 343.14 (2) (es) 2m.✓, the documentary proof
10 described in s. 343.14 (2) (es) 1m.✓

History: 2007 a. 20; 2011 a. 23, 32; s. 35.17 correction in (1) (b) (intro.).

11 **SECTION 8.** 343.165 (3) (b) of the statutes is amended to read:

12 343.165 (3) (b) The department may not accept any foreign document, other
13 than an official passport, to satisfy a requirement under sub. (1). This paragraph
14 does not apply to an application processed under sub. (7) (c).✓

History: 2007 a. 20; 2011 a. 23, 32; s. 35.17 correction in (1) (b) (intro.).

15 **SECTION 9.** 343.165 (3) (c) of the statutes is amended to read:

16 343.165 (3) (c) For purposes of par. (a) and sub. (1) (c), if an applicant presents
17 a social security number that is already registered to or associated with another
18 person, the department shall direct the applicant to investigate and take appropriate
19 action to resolve the discrepancy and shall not issue any operator's license or
20 identification card until the discrepancy is resolved. The department shall adopt
21 procedures for purposes of verifying that an applicant is not eligible for a social
22 security number, except with respect to applications processed under sub. (7) (c).✓

History: 2007 a. 20; 2011 a. 23, 32; s. 35.17 correction in (1) (b) (intro.).

23 **SECTION 10.** 343.165 (4) (b) of the statutes is amended to read:

1 343.165 (4) (b) The department shall establish an effective procedure to
2 confirm or verify an applicant's information for purposes of any application described
3 in par. (a). The procedure shall include verification of the applicant's social security
4 number or, except with respect to applications processed under [✓]sub. (7) (c),
5 ineligibility for a social security number.

History: 2007 a. 20; 2011 a. 23, 32; s. 35.17 correction in (1) (b) (intro.). [✓]

6 **SECTION 11.** 343.165 (7) (a) (intro.) of the statutes is amended to read:

7 343.165 (7) (a) (intro.) The Subject to par. (c), [✓]the department may process an
8 application for, and issue or renew, an operator's license or identification card
9 without meeting the requirements under subs. (2) and (3) if all of the following apply:

History: 2007 a. 20; 2011 a. 23, 32; s. 35.17 correction in (1) (b) (intro.). [✓]

10 **SECTION 12.** 343.165 (7) (c) of the statutes is created to read:

11 343.165 (7) (c) 1. Notwithstanding s. 343.14 (2) (f), [✓]in processing an application
12 for, and issuing or renewing, an operator's license that contains the marking
13 specified in s. 343.03 (3r) [✓]or an identification card that contains the marking
14 specified in s. 343.50 (3) (b), [✓]the department may not include any question or require
15 any proof or documentation as to whether the applicant is a citizen or national of the
16 United States or lawfully present in the United States. [✓]

17 2. For an application processed under this paragraph, [✓]if the applicant does not
18 provide proof of the applicant's social security number, the applicant shall provide
19 verification, in the manner described in s. 343.14 (2) (br) 2., [✓]that the applicant does
20 not have a social security number.

21 **SECTION 13.** 343.20 (1m) [✓]of the statutes is amended to read:

22 343.20 (1m) Notwithstanding sub. (1) (a) and (e), and except as provided in s.
23 343.165 (4) (c) and as otherwise provided in this subsection, a license that is issued
24 to a person who is not a United States citizen or permanent resident and who

1 provides documentary proof of legal status as provided under s. 343.14 (2) (es) ~~2, 4,~~
2 ~~5, 6, or 7.~~ 1m. b., d., e., f., or g. shall expire on the date that the person's legal presence
3 in the United States is no longer authorized or on the expiration date determined
4 under sub. (1), whichever date is earlier. If the documentary proof as provided under
5 s. 343.14 (2) (es) 1m. does not state the date that the person's legal presence in the
6 United States is no longer authorized, sub. (1) shall apply except that, if the license
7 was issued or renewed based upon the person's presenting of any documentary proof
8 specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the license shall, subject to s. 343.165
9 (4) (c), expire one year after the date of issuance or renewal. This subsection does not
10 apply to a license that contains the marking specified in s. 343.03 (3r).

History: 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1979 c. 306; 1981 c. 20, 42, 71; 1989 a. 31, 105, 294; 1991 a. 13; 1995 a. 255, 446; 1997 a. 27, 237; 2001 a. 105; 2003 a. 33, 280; 2005 a. 126; 2007 a. 20; 2009 a. 28, 103; 2011 a. 32.

11 **SECTION 14.** 343.20 (2) (a) of the statutes is amended to read:

12 343.20 (2) (a) At least 30 days prior to the expiration of an operator's license,
13 the department shall provide to the licensee notice of renewal of the license either
14 by mail at the licensee's last-known address or, if desired by the licensee, by any
15 electronic means offered by the department. If the license was issued or last renewed
16 based upon the person's presenting of any documentary proof specified in s. 343.14
17 (2) (es) ~~4. to 7.~~ 1m. d. to g., the notice shall inform the licensee of the requirement
18 under s. 343.165 (4) (c).

History: 1977 c. 29 s. 1654 (7) (a); 1977 c. 273; 1979 c. 306; 1981 c. 20, 42, 71; 1989 a. 31, 105, 294; 1991 a. 13; 1995 a. 255, 446; 1997 a. 27, 237; 2001 a. 105; 2003 a. 33, 280; 2005 a. 126; 2007 a. 20; 2009 a. 28, 103; 2011 a. 32.

19 **SECTION 15.** 343.50 (3) (a) of the statutes is amended to read:

20 343.50 (3) (a) The card shall be the same size as an operator's license but shall
21 be of a design which is readily distinguishable from the design of an operator's license
22 and bear upon it the words "IDENTIFICATION CARD ONLY." The information on
23 the card shall be the same as specified under s. 343.17 (3). If the issuance of the card

1 requires the applicant to present any documentary proof specified in s. 343.14 (2) (es)
2 ~~4. to 7. 1m. d. to g.~~ the card shall display, on the front side of the card, a legend
3 identifying the card as temporary. The card shall contain physical security features
4 consistent with any requirement under federal law. The card may serve as a record
5 of gift under s. 157.06 (2) (t) and the holder may affix a sticker thereto as provided
6 in s. 343.175 (3). The card may also serve as a record of refusal under s. 157.06 (2)
7 (u). Except as provided in sub. (4g), the card shall contain the holder's photograph
8 and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191;
1999 a. 9, 32, 80, 85, 88, 186; 2001 a. 93; 2003 a. 33; 2005 a. 126; 2007 a. 20 ss. 3374 to 3390, 9121 (6) (a); 2007 a. 106; 2009 a. 28, 180; 2011 a. 23, 32, 75; s. 13.92 (2) (i).

9 SECTION 16. 343.50 (5) (c) of the statutes is amended to read:

10 343.50 (5) (c) Except as provided in s. 343.165 (4) (c) and as otherwise provided
11 in this paragraph, an identification card that is issued to a person who is not a United
12 States citizen and who provides documentary proof of legal status as provided under
13 s. 343.14 (2) (es) 1m. shall expire on the date that the person's legal presence in the
14 United States is no longer authorized or on the expiration date determined under
15 par. (b), whichever date is earlier. If the documentary proof as provided under s.
16 343.14 (2) (es) 1m. does not state the date that the person's legal presence in the
17 United States is no longer authorized, then the card shall be valid for the period
18 specified in par. (b) except that, if the card was issued or renewed based upon the
19 person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7. 1m.~~
20 d. to g., the card shall, subject to s. 343.165 (4) (c), expire one year after the date of
21 issuance or renewal. This paragraph does not apply to an identification card that
22 contains the marking specified in s. 343.50 (3) (b). sub.

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191;
1999 a. 9, 32, 80, 85, 88, 186; 2001 a. 93; 2003 a. 33; 2005 a. 126; 2007 a. 20 ss. 3374 to 3390, 9121 (6) (a); 2007 a. 106; 2009 a. 28, 180; 2011 a. 23, 32, 75; s. 13.92 (2) (i).

23 SECTION 17. 343.50 (6) of the statutes is amended to read:

343.50 (6) RENEWAL NOTICE. At least 30 days prior to the expiration of an identification card, the department shall provide to the card holder notice of renewal of the card either by mail at the card holder's last-known address or, if desired by the card holder, by any electronic means offered by the department. If the card was issued or last renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the notice shall inform the card holder of the requirement under s. 343.165 (4) (c). The department shall include with the notice information, as developed by all organ procurement organizations in cooperation with the department, that promotes anatomical donations and which relates to the anatomical donation opportunity available under s. 343.175. The department may renew an identification card by mail or by any electronic means available to the department, but the department may not make consecutive renewals by mail or electronic means.

History: 1977 c. 360, 447; 1979 c. 226, 306; 1981 c. 20 s. 1848r; 1985 a. 29, 98; 1987 a. 27, 304; 1989 a. 105, 294, 298; 1991 a. 86, 269; 1995 a. 446; 1997 a. 27, 119, 191; 1999 a. 9, 32, 80, 85, 88, 186; 2001 a. 93; 2003 a. 33; 2005 a. 126; 2007 a. 20 ss. 3374 to 3390, 9121 (6) (a); 2007 a. 106; 2009 a. 28, 180; 2011 a. 23, 32, 75; s. 13.92 (2) (i).

SECTION 18. Initial applicability.

(1) This act first applies to applications received by the department of transportation on the effective date of this subsection.✓

SECTION 19. Effective date.

(1) This act takes effect on the first day of the 3rd[✓] month beginning after publication.

(END)

Gary, Aaron

From: VanDenHeuvel, Mike
Sent: Thursday, January 02, 2014 11:13 AM
To: Gary, Aaron
Subject: RE: LRB-2069

Hi Aaron,

Thanks for your reply. Rep. Zamarripa would like to put this bill out for co-sponsorship as soon as possible. Could we place have the bill drafted for introduction?

Thanks,

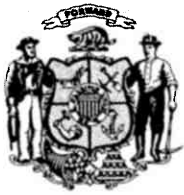
Mike VanDenHeuvel
Office of State Rep. Zamarripa
320 West State Capitol
(608) 267-7669
Mike.VanDenHeuvel@legis.wi.gov

From: Gary, Aaron
Sent: Monday, December 23, 2013 7:34 PM
To: VanDenHeuvel, Mike
Subject: LRB-2069

Hi Mike,

In response to your voice mail, attached please find LRB-2069/P1. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us



State of Wisconsin
2013 - 2014 LEGISLATURE

TODAY



LRB-2069/1

ARG:jld:jar

stay RMN

in 1/2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

Regen

1 AN ACT *to renumber and amend* 343.14 (2) (br) and 343.14 (2) (es); *to amend*
2 343.03 (3m), 343.165 (1) (c), 343.165 (1) (e), 343.165 (3) (b), 343.165 (3) (c),
3 343.165 (4) (b), 343.165 (7) (a) (intro.), 343.20 (1m), 343.20 (2) (a), 343.50 (3) (a),
4 343.50 (5) (c) and 343.50 (6); and *to create* 343.14 (2) (br) 2., 343.14 (2) (es) 2m.
5 and 343.165 (7) (c) of the statutes; **relating to:** issuance of motor vehicle
6 operator's licenses and identification cards by the Department of
7 Transportation.

Analysis by the Legislative Reference Bureau

Under 2007 Wisconsin Act 20, certain provisions specified in the federal REAL ID Act of 2005 (REAL ID) were incorporated into state law and these provisions became effective on January 1, 2013. Among these provisions was the requirement that the Department of Transportation (DOT) follow certain procedures in processing applications for driver's licenses and identification cards. However, under 2011 Wisconsin Acts 23 and 32, DOT may process applications for driver's licenses and identification cards in a manner other than that required by REAL ID if the driver's licenses and identification cards are marked to indicate that they are not REAL ID compliant and DOT processes the applications in compliance with DOT practices and procedures applicable immediately prior to implementation of REAL ID.

Under current law, an applicant for a driver's license or identification card, regardless of whether it is REAL ID compliant or REAL ID noncompliant, must provide to DOT: 1) an identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth; 2) documentation showing the applicant's date of birth, which may be the same as item 1), above; 3) proof of the applicant's social security number or verification that the applicant is not eligible for a social security number; 4) documentation showing the applicant's name and address of principal residence; and 5) documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. However, in processing an application for a REAL ID noncompliant driver's license or identification card, DOT is not required to meet the standards for document retention and verification that are imposed for REAL ID compliant products.

Under this bill, an applicant for a REAL ID noncompliant driver's license or identification card is not required to provide documentary proof that the applicant is a U.S. citizen or is otherwise lawfully present in the United States. If the applicant does not have a social security number, the applicant is required to provide verification only that he or she does not have one, rather than verification that he or she is not eligible for one. In processing an application for, and issuing or renewing, a REAL ID noncompliant driver's license or identification card, DOT may not include any question or require any proof or documentation as to whether the applicant is a U.S. citizen or is otherwise lawfully present in the United States.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
1 **SECTION 1.** 343.03 (3m) of the statutes is amended to read:

2 **343.03 (3m) NONCITIZEN TEMPORARY LICENSE.** If the issuance of any license
3 described under sub. (3) requires the license applicant to present any documentary
4 proof specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the license shall display on the
5 front side of the license, in addition to any legend or label described in sub. (3), a
6 legend identifying the license as temporary. This noncitizen temporary license may
7 not be renewed except as provided in s. 343.165 (4) (c).

8 **SECTION 2.** 343.14 (2) (br) of the statutes is renumbered 343.14 (2) (br) 1. and
9 amended to read:

1 343.14 (2) (br) 1. If Except as provided in subd. 2., if the applicant does not have
2 a social security number, a statement made or subscribed under oath or affirmation
3 that the applicant does not have a social security number and is not eligible for a
4 social security number. The statement shall provide the basis or reason that the
5 applicant is not eligible for a social security number, as well as any information
6 requested by the department that may be needed by the department for purposes of
7 verification under s. 343.165 (1) (c). The form of the statement shall be prescribed
8 by the department, with the assistance of the department of children and families.
9 A license that is issued or renewed under s. 343.17 in reliance on a statement
10 submitted under this ~~paragraph~~ subdivision is invalid if the statement is false.

11 **SECTION 3.** 343.14 (2) (br) 2. of the statutes is created to read:

12 343.14 (2) (br) 2. If the applicant does not have a social security number and
13 the application is for an operator's license that contains the marking specified in s.
14 343.03 (3r) or an identification card that contains the marking specified in s. 343.50
15 (3) (b), a statement made or subscribed under oath or affirmation that the applicant
16 does not have a social security number. The form of the statement shall be prescribed
17 by the department, with the assistance of the department of children and families.
18 A license that is issued or renewed under s. 343.17 in reliance on a statement
19 submitted under this subdivision is invalid if the statement is false.

20 **SECTION 4.** 343.14 (2) (es) of the statutes is renumbered 343.14 (2) (es) 1m., and
21 343.14 (2) (es) 1m. (intro.), as renumbered, is amended to read:

22 343.14 (2) (es) 1m. (intro.) Subject to sub. (2g) (a) 2. d. and s. 343.125 (2) (a) and
23 (b), and except as provided in subd. 2m., valid documentary proof that the individual
24 is a citizen or national of the United States or an alien lawfully admitted for
25 permanent or temporary residence in the United States or has any of the following:

1 **SECTION 5.** 343.14 (2) (es) 2m. of the statutes is created to read:

2 343.14 (2) (es) 2m. Valid documentary proof under subd. 1m. is not required if
3 the application is for an operator's license that contains the marking specified in s.
4 343.03 (3r) or an identification card that contains the marking specified in s. 343.50
5 (3) (b).

6 **SECTION 6.** 343.165 (1) (c) of the statutes is amended to read: ✓

7 343.165 (1) (c) Proof of the applicant's social security number or, except as
8 provided in sub. (7) (c) 2. and s. 343.14 (2g) (a) 4., verification that the applicant is
9 not eligible for a social security number. ✓

10 **SECTION 7.** 343.165 (1) (e) of the statutes is amended to read:

11 343.165 (1) (e) Subject to ss. 343.125 (2) (a) and (b) and 343.14 (2g) (a) 2. d., and
12 except as provided in sub. (7) (c) 1. and s. 343.14 (2) (es) 2m., the documentary proof
13 described in s. 343.14 (2) (es) 1m. ✓

14 **SECTION 8.** 343.165 (3) (b) of the statutes is amended to read:

15 343.165 (3) (b) The department may not accept any foreign document, other
16 than an official passport, to satisfy a requirement under sub. (1). This paragraph
17 does not apply to an application processed under sub. (7) (c).

18 **SECTION 9.** 343.165 (3) (c) of the statutes is amended to read: ✓

19 343.165 (3) (c) For purposes of par. (a) and sub. (1) (c), if an applicant presents
20 a social security number that is already registered to or associated with another
21 person, the department shall direct the applicant to investigate and take appropriate
22 action to resolve the discrepancy and shall not issue any operator's license or
23 identification card until the discrepancy is resolved. The department shall adopt
24 procedures for purposes of verifying that an applicant is not eligible for a social
25 security number, except with respect to applications processed under sub. (7) (c).

✓
1 **SECTION 10.** 343.165 (4) (b) of the statutes is amended to read:

2 343.165 (4) (b) The department shall establish an effective procedure to
3 confirm or verify an applicant's information for purposes of any application described
4 in par. (a). The procedure shall include verification of the applicant's social security
5 number or, except with respect to applications processed under sub. (7) (c),
6 ineligibility for a social security number.

7 **SECTION 11.** 343.165 (7) (a) (intro.) of the statutes is amended to read:

8 343.165 (7) (a) (intro.) The Subject to par. (c), the department may process an
9 application for, and issue or renew, an operator's license or identification card
10 without meeting the requirements under subs. (2) and (3) if all of the following apply:

11 **SECTION 12.** 343.165 (7) (c) of the statutes is created to read:

12 343.165 (7) (c) 1. Notwithstanding s. 343.14 (2) (f), in processing an application
13 for, and issuing or renewing, an operator's license that contains the marking
14 specified in s. 343.03 (3r) or an identification card that contains the marking
15 specified in s. 343.50 (3) (b), the department may not include any question or require
16 any proof or documentation as to whether the applicant is a citizen or national of the
17 United States or lawfully present in the United States.

18 2. For an application processed under this paragraph, if the applicant does not
19 provide proof of the applicant's social security number, the applicant shall provide
20 verification, in the manner described in s. 343.14 (2) (br) 2., that the applicant does
21 not have a social security number.

22 **SECTION 13.** 343.20 (1m) of the statutes is amended to read:

23 343.20 (1m) Notwithstanding sub. (1) (a) and (e), and except as provided in s.
24 343.165 (4) (c) and as otherwise provided in this subsection, a license that is issued
25 to a person who is not a United States citizen or permanent resident and who

1 provides documentary proof of legal status as provided under s. 343.14 (2) (es) ~~2, 4,~~
2 ~~5, 6, or 7.~~ 1m. b., d., e., f., or g. shall expire on the date that the person's legal presence
3 in the United States is no longer authorized or on the expiration date determined
4 under sub. (1), whichever date is earlier. If the documentary proof as provided under
5 s. 343.14 (2) (es) 1m. does not state the date that the person's legal presence in the
6 United States is no longer authorized, sub. (1) shall apply except that, if the license
7 was issued or renewed based upon the person's presenting of any documentary proof
8 specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the license shall, subject to s. 343.165
9 (4) (c), expire one year after the date of issuance or renewal. This subsection does not
10 apply to a license that contains the marking specified in s. 343.03 (3r).

11 **SECTION 14.** 343.20 (2) (a) of the statutes is amended to read:

12 343.20 (2) (a) At least 30 days prior to the expiration of an operator's license,
13 the department shall provide to the licensee notice of renewal of the license either
14 by mail at the licensee's last-known address or, if desired by the licensee, by any
15 electronic means offered by the department. If the license was issued or last renewed
16 based upon the person's presenting of any documentary proof specified in s. 343.14
17 (2) (es) ~~4. to 7.~~ 1m. d. to g., the notice shall inform the licensee of the requirement
18 under s. 343.165 (4) (c).

19 **SECTION 15.** 343.50 (3) (a) of the statutes is amended to read:

20 343.50 (3) (a) The card shall be the same size as an operator's license but shall
21 be of a design which is readily distinguishable from the design of an operator's license
22 and bear upon it the words "IDENTIFICATION CARD ONLY." The information on
23 the card shall be the same as specified under s. 343.17 (3). If the issuance of the card
24 requires the applicant to present any documentary proof specified in s. 343.14 (2) (es)
25 ~~4. to 7.~~ 1m. d. to g., the card shall display, on the front side of the card, a legend

1 identifying the card as temporary. The card shall contain physical security features
2 consistent with any requirement under federal law. The card may serve as a record
3 of gift under s. 157.06 (2) (t) and the holder may affix a sticker thereto as provided
4 in s. 343.175 (3). The card may also serve as a record of refusal under s. 157.06 (2)
5 (u). Except as provided in sub. (4g), the card shall contain the holder's photograph
6 and, if applicable, shall be of the design specified under s. 343.17 (3) (a) 12.

7 **SECTION 16.** 343.50 (5) (c) of the statutes is amended to read:

8 343.50 (5) (c) Except as provided in s. 343.165 (4) (c) and as otherwise provided
9 in this paragraph, an identification card that is issued to a person who is not a United
10 States citizen and who provides documentary proof of legal status as provided under
11 s. 343.14 (2) (es) 1m. shall expire on the date that the person's legal presence in the
12 United States is no longer authorized or on the expiration date determined under
13 par. (b), whichever date is earlier. If the documentary proof as provided under s.
14 343.14 (2) (es) 1m. does not state the date that the person's legal presence in the
15 United States is no longer authorized, then the card shall be valid for the period
16 specified in par. (b) except that, if the card was issued or renewed based upon the
17 person's presenting of any documentary proof specified in s. 343.14 (2) (es) ~~4. to 7.~~
18 1m. d. to g., the card shall, subject to s. 343.165 (4) (c), expire one year after the date
19 of issuance or renewal. This paragraph does not apply to an identification card that
20 contains the marking specified in sub. (3) (b).

21 **SECTION 17.** 343.50 (6) of the statutes is amended to read:

22 343.50 (6) RENEWAL NOTICE. At least 30 days prior to the expiration of an
23 identification card, the department shall provide to the card holder notice of renewal
24 of the card either by mail at the card holder's last-known address or, if desired by
25 the card holder, by any electronic means offered by the department. If the card was

1 issued or last renewed based upon the person's presenting of any documentary proof
2 specified in s. 343.14 (2) (es) ~~4. to 7.~~ 1m. d. to g., the notice shall inform the card holder
3 of the requirement under s. 343.165 (4) (c). The department shall include with the
4 notice information, as developed by all organ procurement organizations in
5 cooperation with the department, that promotes anatomical donations and which
6 relates to the anatomical donation opportunity available under s. 343.175. The
7 department may renew an identification card by mail or by any electronic means
8 available to the department, but the department may not make consecutive renewals
9 by mail or electronic means.

10 **SECTION 18. Initial applicability.**

11 (1) This act first applies to applications received by the department of
12 transportation on the effective date of this subsection.

13 **SECTION 19. Effective date.**

14 (1) This act takes effect on the first day of the 3rd month beginning after
15 publication.

16 (END)

Barman, Mike

From: VanDenHeuvel, Mike
Sent: Tuesday, January 28, 2014 12:56 PM
To: LRB.Legal
Subject: Draft Review: LRB -2069/1 Topic: Legal presence requirement of non-REAL ID compliant operator licenses and identification cards

Please Jacket LRB -2069/1 for the ASSEMBLY.